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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,732	03/04/2002	Kevin Allen Kieltyka	10541-264	8092

29074 7590 07/28/2005

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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/091,732

Applicant(s)

KIELTYKA ET AL.

Examiner

Jennifer A. Boyd

Art Unit

1771

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 11 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): see continuation page.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1,3-6,8-9,18-20

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation page.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_

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5.) 35 USC 112, 2<sup>nd</sup> paragraph rejection of claims 9 and 18 - 20 as detailed in paragraphs 3 - 5 of the previous Office Action

11.) The arguments are not persuasive. Applicant argues that there is no indication by Sandoe that the bond is directly formed between the fibers of the covering and the fibers of the second stiffening layer. According to page 6, [0020] of Applicant's Specification, the chemical bond is formed upon compression molding and heating the layers. In the Sandoe reference, on page 3, [0036]), Sandoe teaches thermoforming by preheating and then molding in thermally regulated warm or hot tools. It is the position of the Examiner that similar processes are used to create the laminate so Applicant's chemical bond would be inherent to Sandoe's process. Applicant argues that one would have not been motivated to refer to Namura for a teaching of specific types of decorative layers. Sandoe teaches that the decorative cover can be made of any suitable fabric conventionally used for headliners and is not a part of the invention. Since Namura clearly states that the material used for the decorative layer is non-limiting, it would have been to look to Namura for other suitable decorative layers that would meet the needs of the panel such as a polypropylene fabric. Namura teaches the use of a decorative layer comprising a wide variety of substrates which are commonly used decorative materials for car interiors such as woven, non-woven cloths, foamed sheets, resin films and the like (column 11, lines 54 - 60). Namura teaches that the substrate can comprise polypropylene (column 11, lines 54 - 60). Additionally, Applicant argues that Sandoe teaches that the decorative material is laminated without binder to the panel while the decorative material of Namura is attached with a binder to the panel. The Examiner used the Namura reference to demonstrate what decorative materials are known in the art and not to indicate how the decorative material should be attached to the panel. Applicant argues that Sandoe reference does not teach that the second and fourth layer can comprise a blend of natural fibers and polypropylene. The Examiner submits that Sandoe specifically states that the fibers of the stiffening layers or Applicant's "second and fourth layer" can be the same fibers as the core (page 3, [0031], line 5). Sandoe further states in paragraph [0068] on page 6 that the core and the outer layers, or "stiffening layer", can contain the same type of fibers, but not to detriment the respective predominate functions provided by the core layer and the outer layers. Sandoe teaches that care must be taken to make sure that the fiber mix, i.e. the percentage of each type of fiber in the layer, in either the core and outer layers does not impair the primary sound absorbing function of the core layer or the primary strength function of the outer layer. Sandoe teaches that the core layer can comprise a blend including natural fibers and binder fibers (page 2, [0027-0028]) where the binder fibers can be polyolefin bicomponent fibers (page 3, [0029]). It is the position of the Examiner that Sandoe teaches that the stiffening layers can comprise a natural fiber and polypropylene blend. The rejections are maintained.

Just Born  
7/25/05

Ula Ruddock  
ULA RUDDOCK  
PRIMARY EXAMINER